

REMARKS

This is in response to the Office Action dated September 20, 2004, and the references cited therewith.

Claim 21 is amended, and claims 32-37 are added; as a result, claims 21-37 are now pending in this application.

Double Patenting Rejection

Claims 21; 22-25; 26; 27 and 29; and 28 and 30-31 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1: 3-6; 2; 7; and 8 of U.S. Patent No. 6,643,547. Applicant submits herewith a terminal disclaimer to overcome the rejection.

§112 Rejection of the Claims

Claims 21-31 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 21 herein in a manner believed to overcome the specific rejections noted in the office action.

The rejection of claim 23 based upon a lack of antecedent basis for the term “the specificity,” however, is respectfully traversed. MPEP 2173.05(e) states that “(i)nherent components of elements recited have antecedent basis in the recitation of the components themselves.” The specificity of an atrial sensing means would be readily understood by those of skill in the art to simply refer to how well the sensing performs in not interpreting an artifact as an atrial sense. Applicant believes that the recitation in claim 12 is proper because an inherent property of any atrial sensing means is its specificity. Reconsideration and withdrawal of the rejection on this basis is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21 day of January, 2005.

Paula Suchy
Name

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Signature